



**MEETING MINUTES
OF THE
PLAN COMMISSION
March 6, 2024 – 7:00 P.M.**

**LINCOLNWOOD VILLAGE HALL
6900 NORTH LINCOLN AVENUE
LINCOLNWOOD, ILLINOIS 60712**

Present: Chairman Mark Yohanna, Commissioners Steven Jakubowski, Adi Kohn, Mark DeAngelis, Henry Novoselsky, and Don Sampen

Absent: Commissioner Sue Auerbach

Staff Present: Planning and Economic Development Manager Doug Hammel, Community Development Director Scott Magnum, Community Development Coordinator Marcos Classen, Mayor Jasel Patel, and Village Attorney Hart Passman

I. Call to Order

Chairman Yohanna noted a quorum and called the meeting to order at 7:01 pm

II. Pledge of Allegiance

III. Approval of Minutes

Motion to approve the February 7, 2024, Plan Commission Minutes was made by Commissioner Sampen and seconded by Commissioner Novoselsky

Aye: Chairman Yohanna and Commissioners Kohn, DeAngelis, Novoselsky, and Sampen

Nay:

Abstain:

Motion Approved: 5-0

Commissioner Jakubowski arrived 7:04 pm

Prior to going into the first case Planning and Economic Development Manager Doug Hammel noted that the use of cell phones during a public hearing for communication between members of the Commission is not allowed in the rules.

Commissioner DeAngelis wanted it noted for the record that he will continue to use his cell phone to conduct research during a given meeting and if there are questions as to whether he's

using the cell phone for communication purposes that he would make his cell phone records available.

IV. Case #PC-02-24: Zoning Text Amendment – Regulations Regarding Air-Conditioning Condensers and Backup Electrical Generators

Planning and Economic Development Manager Doug Hammel explained how this case came about. He noted that the discussion would only be referencing residential properties. Commercial properties would not be included in the scope. He also clarified that the discussion would not be applicable to units replaced in-kind.

Mr. Hammel explained that the discussion would help determine potential amendments to the Zoning Ordinance that could create more flexibility for homeowners regarding AC Units and emergency backup generators.

The relevant regulations were explained. Section 3.10 establishes that AC units are permitted in the rear and corner sides yards and must be at least 10 feet from side property lines and at least 20 feet from an adjoining residential property owner's window. Backup electrical generators are only permitted in rear yards and must be at least 10 feet from all property lines. Section 6.2 establishes maximum sound levels of 50 decibels at residential lot lines in the daytime and 45 decibels in the evening and overnight.

There had only been one relevant variation related to AC units and backup generators that occurred in 2017. A property owner sought to reduce the setback, saying the decibel level of the generator unit would only be non-compliant during exercising periods and during an outage. The ZBA denied the request, the Village Board agreed with the ZBA but discussed the possibility of pursuing a text amendment.

Four policy questions were reviewed. Mr. Hammel also reviewed relevant peer community research and trustee comments and concerns related to each policy question.

- 1) Should AC units or backup generators be permitted in other areas of a residential property?
- 2) Should the required setbacks for AC units or backup generators be reduced?
- 3) Should screening be required for AC units or backup generators?
- 4) How should noise regulations be applied to AC units or backup generators?

Mr. Hammel explained that there is a discrepancy between the level of noise that AC units and generators exude and what the code allows. He went over the staff's recommendations of ways to approach regulating noise levels regarding AC units or backup generators.

Approach A: Maintain existing standards. As the code is written, AC and backup generator units do not meet max. permitted noise level standards.

Approach B: Make AC units and backup generators exempt from noise level standards.

This would eliminate any enforceable measure. Units that are louder due to disrepair would be subject to general nuisance regulations and could be difficult to enforce.

Approach C: Establish max. noise levels specifically for AC units and backup generators.

This would provide an enforceable measure. Mr. Hammel explained that staff assessed 30 AC unit models across five brands to determine what maximum level threshold would allow residents enough flexibility when purchasing AC units. At a max. sound level of 80 decibels, all 30 models would be compliant, at 75 decibels, 25 would be compliant, and at 70 decibels, only one would be compliant.

Commissioner DeAngelis stated that AC units are more impactful than generators. He stated that the Village should be more lenient with generators, but limiting the times that generators could run in test mode could be explored. He felt that AC units and generators should have separate restrictions.

Commissioner Novoselsky stated that from personal experience, AC units placed in interior side yards can be very loud for neighbors. He stated that he was not in favor of placing units in interior side yards.

Commissioner Sampen asked what enforcement the Village would take if a unit were too loud. Mr. Hammel stated that the property owner would have to modify their property to become compliant or turn off the unit.

Commissioner Kohn asked how many complaints the Village has received related to the sound level of AC units and generators. Mr. Hammel stated that he was not aware of any neighbor complaints.

Commissioner Kohn stated that this issue varies based on how a lot is shaped. There was discussion on the impact of noise levels depending on what yards are permitted. There was consensus that one regulation should not fit all types of residential lots.

There was discussion about the 20-foot setback requirement from a neighbor's window. There was consensus among the Commissioners to eliminate that requirement.

Commissioner DeAngelis suggested separating the generator discussion from the AC unit discussion. There was discussion about raising the max. decibel level for AC units and not for generators. There was consensus to raise the allowed decibel level for AC units to 80 decibels.

Commissioner DeAngelis stated that due to the limited time that a generator is used, there should not be a max. decibel limit, but there should be time limitations as to when units can be tested. There was consensus for this option.

There was discussion about basing the setback on the lot size or allowing AC units in the interior side yard as long as they could meet the 10-foot setback. There was additional discussion about including screening requirements for an AC unit in the interior side lot.

There was discussion about the canyon effect and sound echoing between exterior walls if AC units were to be allowed in the interior side yard with the 10-foot setback. Chairman Yohanna asked if anyone from the public would like to speak on the matter.

There was no public comment.

There was discussion about a combined approach requiring the 10-foot setback in the interior side yard, but reducing the 10-foot side lot line setback in the rear yard due to the unit no longer being adjacent to an exterior wall of an adjacent property.

Mayor Patel joined the discussion at 8:10 p.m. speaking about the canyon effect not being an issue in the backyard and asked the Commissioners to discuss more flexibility with setbacks in the backyard due to resident requests for more space for patios and decks.

There was more discussion about the 10-foot setback from the side lot lines. Commissioner Sampen stated that the 10-foot setback and the requirement against units in the interior side yards should remain.

A Motion was made by Commissioner Sampen to amend the code to eliminate the 20-foot setback from a neighbor's window, increase the maximum decibel level for AC compressor units to 80 decibels, and exempt generators from maximum decibel level standards.

The motion was seconded by Commissioner Novoselsky.

Commission DeAngelis suggested adding an amendment to the motion to also remove generators from the 10-foot from lot line requirement, based on their limited use. Commissioner Sampen did not add the amendment to the motion.

Aye: Chairman Yohanna and Commissioners Kohn, DeAngelis, Novoselsky, Sampen, and Jakubowski

Nay:

Abstain:

Motion Approved: 6-0

This matter will go to the Village Board on March 19th, 2024.

A Motion was made by Commissioner DeAngelis to permit AC units and Generators in interior side lots, contingent on the location of the unit following the 10-foot set back requirement.

The motion was seconded by Commissioner Jakubowski.

Aye: Commissioners Kohn, DeAngelis, and Jakubowski

Nay: Chairman Yohanna and Commissioners Novoselsky and Sampen

Abstain:

Motion not approved: 3-3

V. Discussion: Update Regarding Past Plan Commission Cases

Planning and Economic Development Manager Doug Hammel gave updates on recent cases.

The 7120 N Ridgeway Avenue case for special use & variations related to a community center was approved by the Village Board. He stated that there was discussion regarding the parking agreement and that the Village Attorney confirmed that the agreement satisfies the requirements of the Village Zoning Ordinance.

The North Shore and Kolmar residential subdivision was approved by the Village Board. However, the spouse of one of the petitioners objected to the application and their signature is required on the Plat. The Village Board determined that it was their purview to recommend approval of the Plat, and whether the Plat gets signed and recorded is a separate matter between the Petitioners.

The Text Amendment regarding fences in the corner side yard was approved with an amendment. The Village Board revised the recommendation of the Plan Commission to include a setback between the fence and the corner side yard lot line of 5 feet and instead of decorative landscaping along the base of the fence, natural screening would be required.

VI. Next Meeting

The next meeting of the Plan Commission is scheduled for Wednesday, April 3, 2024.

VII. Public Comment

Chairman Yohanna announced the opportunity for additional comments from the public. Let the record show that no one came forward.

VIII. Adjournment

A Motion was made by Commissioner Novoselsky to adjourn the meeting.

The motion was seconded by Commissioner Kohn.

Aye: Kohn, DeAngelis, Novoselsky, Sampen, Jakubowski, and Yohanna

Nay:

Abstain:

Motion Approved: 6-0

The meeting ended at 8:30 pm.

Respectfully submitted,

Marcos Classen
Community Development Coordinator